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FM AMEMBASSY JAKARTA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 1644
RUEAUSA/DEPT OF HHS WASHDC IMMEDIATE
RUEAORC/US CUSTOMS AND BORDER PROTECTION WASHINGTON DC IMMEDIATE
INFO RUEHGP/AMEMBASSY SINGAPORE PRIORITY 5536

UNCLAS JAKARTA 012875

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STATE FOR EAP/MTS
U.S. CUSTOMS AND BORDER PROTECTION FOR OIA/EBRANSON AND
OIA/BOHEARN
SINGAPORE FOR DHS/ICE MKING AND DHS/CBP PDAY

E.O. 12958: N/A
TAGS: [ECON](#) [ETRD](#) [ID](#)
SUBJECT: INDONESIA READY TO FINALIZE CUSTOMS MUTUAL
ASSISTANCE MOU

REF: OCTOBER 31 DHS CBP/OIA ELIZABETH BRANSON EMAIL
TO DHS IE ATTACHE MATTHEW KING

11. (U) This is an action request for U.S. Customs Border
Protection and State EAP/MTS. Please see para 4.

12. (SBU) Summary: The Indonesian Directorate General of
Customs & Excise (DGCE) and U.S. Customs and Boarder
Protection are close to finalizing a Memorandum of
Understanding (MOU) on Customs Matters between the U.S. and
Indonesia. Embassy believes the MOU would advance economic
cooperation between our two countries, and recommends that it
be prioritized for announcement at the upcoming POTUS visit
to Indonesia next month. End Summary.

12. (SBU) DGCE Deputy Director of International Cooperation
Agung Kuswandono on October 30 provided us with a signed
official letter (full text in para 5) stating that the
Government of Indonesia perceives every agreement it enters
into with another government to be legally binding, including
the proposed Memorandum of Understanding (MOU) on Customs
Matters Between the U.S. and Indonesia. Attached to Agung's
letter is an October 18 Indonesian language letter from the
Department of Foreign Affairs (Deplu) that includes a legal
interpretation making the same determination. Agung also
informed us on October 31, that, while he still needs to
consult with his colleagues, his initial impression is that
Indonesia Customs could accept U.S. Customs and Border
Protection's (CBP) October 30 clarifications on the draft MOU
(ref). He added, however, that he would still like the CBP
General Counsel to respond to Indonesia's requests for
clarifications on three remaining points that CBP did not
address in its October 30 response (ref).

13. (SBU) Agung's letter and subsequent response to the
latest U.S. MOU draft and clarifications, in our view,
eliminate significant obstacles that had been standing in the
way of finalizing the document. Embassy believes the MOU
would boast economic cooperation between our two countries,
especially in the area of customs enforcement, and recommends
that it be prioritized as a potential deliverable for the
upcoming POTUS visit to Indonesia.

14. (SBU) Begin Action request: To maximize the possibility
of finalizing the agreement in advance to the POTUS visit, we
request the following assistance from State and Department of
Homeland Security/CBP:

-- We request CBP General Counsel respond as soon as possible

to Indonesia Customs' three remaining requests for answers and clarifications;

-- We ask State EAP/MTS to coordinate with CBP and L to ensure that C-175 authority for the MOU (if necessary) is approved in an expeditious manner;

-- We request CBP/State send via front channel cable authorization for the Ambassador to sign the agreement once the text is finalized.

15. (SBU) Begin Text of Indonesia Customs Letter:

October 30, 2006

Mr. Tobias Glucksman
International Trade and Investment Officer
Embassy of the United States of America
Jakarta

Dear Mr. Glucksman,

Following our recent phone conversation in relation to the Memorandum of Understanding on Customs Matters between our two Governments, I would like to inform you that the Government of the Republic of Indonesia has a perception that every agreement made with other Government, including Memorandum of Understanding (MOU) is legally binding. Enclosed herewith the letter from the Ministry of Foreign Affairs of the Republic of Indonesia concerning that matters for your consideration.

I hope this information could be useful in order to continue the discussion of the MOU between our two governments regarding mutual assistance on customs matters.

Thank you for your kind attention and we look forward to hearing from you.

Yours Sincerely,

Agung Kuswandono
Deputy Director of International Cooperation
End Text of Indonesia Customs Letter.
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